

LB02-2 Ensuring the Scientific Credibility of Government Public Health Advisory Committees

The American Public Health Association recognizes that effective public health decision-making must be based upon the best possible science and expertise. A wide variety of government agencies with jurisdiction over public health, including various federal agencies of the Department of Health and Human Services, the Environmental Protection Agency, as well as state and local public health agencies, routinely engage scientific advisory committees, boards, commissions, councils, conferences, panels, task forces, study sections, or other similar groups to furnish expert advice, ideas, recommendations, and diverse opinions and to guide agency policy and decision-making. These committees are a core component in ensuring that the best science is brought to bear to protect the public's health. It is important that members of such scientific and public health advisory committees be the most qualified scientists and experts in their fields.

Furthermore, candidates for service on scientific and public health advisory committees should be free of direct financial conflicts of interest, such as occur when the person at issue (or that person's employer) would be directly financially affected by the presence or absence of a policy or regulation, by the outcome of a particular agency action, or by the advice rendered by the panel in question. Situations in which that person (or that person's employer) is currently employed by or under contract to an entity that is directly affected need to be examined carefully. In many instances these arrangements would create direct conflicts of interest that should disqualify the person from serving; in other cases, these would involve biases that should be disclosed to the agencies and the public.

The Federal Advisory Committee Act (FACA) states that "standards and uniform procedures should govern the establishment, operation, administration, and duration of advisory committees."¹ The law also states that federal advisory committees must be "fairly balanced in terms of the points of view represented,"² and further that such committees must "not be inappropriately influenced by the appointing authority or by any special in-

terest."³ However, there are currently no government-wide, uniform criteria for determining and managing conflicts of interest or achieving balance on federal scientific and public health advisory committees, or for determining the scientific or expert qualifications of candidates for such committees. There are also no such standards for committees at the state and local level.

APHA has observed with concern recent steps by government officials at the federal level to restructure key federal scientific and public health advisory committees by retiring the committees before their work is completed, removing or failing to reappoint qualified members, and replacing them with less scientifically qualified candidates and candidates with a clear conflict of interest. Such steps suggest an effort to inappropriately influence these committees.^{4,5} As a result, decision-making may be affected in a number of vital public health arenas. Such arenas include environmental health, childhood lead poisoning prevention, occupational health, reproductive health, and human research protections.⁶⁻⁸

APHA reaffirms the principle that scientific and expert advisory panels must be free from the influence of parties that stand to gain financially from the panels' decisions, and makes the following recommendations:

1. Government officials should re-evaluate the newly reconstituted advisory panels and take steps to address any deficiencies related to the scientific or expert qualifications, balance of perspectives, and financial conflict of interest of their membership;
2. Government officials should closely follow the guidelines set forth in the Federal Advisory Committee Act pertaining to the membership on scientific and public health advisory committees;
3. A credible and independent body, or bodies, such as the National Academy of Sciences and others, should establish criteria to guide the selection of members on public health advisory committees and peer review research committees at all levels of government, namely federal, state and local. Such criteria should include, but not be limited to, a) financial disclosure, b) scientific expertise, c) avoidance of conflicts

of interest, d) a continuum of views represented, and e) diversity including by race, ethnicity, gender, geography, and policy perspectives;

4. Such criteria should also serve as model for state and local government officials when selecting membership for state or local advisory committees;
5. Congress, and relevant state and local entities, should set up an oversight capacity and take other steps to ensure that advisory committees meet the FACA standards for qualifications, balance, and conflicts of interest of members of key science and public health advisory committees; and
6. Non-governmental organizations should serve in a "watchdog" capacity to ensure that advisory committees meet the FACA standards for qualifications, balance, and conflicts of interest of members of key science and public health advisory committees, and that the proposed criteria be established in a timely manner.

References

1. Federal Advisory Committee Act, 5 U.S.C. Appendix 2, §2(b)(4)
2. Federal Advisory Committee Act, 5 U.S.C. Appendix 2, §5(b)(2)
3. Federal Advisory Committee Act, 5 U.S.C. Appendix 2, §5(b)(3)
4. HHS Seeks Science Advice to Match Bush Views. Washington Post. September 17, 2002.
5. Bush's Science Advisors Drawing Criticism. New York Times. October 9, 2002.
6. Michaels, David. et al. "Advice without Dissent" Science. Vol 298, p 703, October 25, 2002.
7. Ferber, Dan. "Critics See a Tilt in a CDC Science Panel." Science. Vol 297, p 1456-1457, August 30, 2002.
8. A Report by Markey, Edward J.(Rep D-MA) Turning Lead Into Gold: How the Bush Administration is Poisoning the Lead Advisory Committee at the CDC. October 8, 2002.